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NOTICE OF ALLOWANCE AND FEE(S) DUE

22879	7590	03/04/2010

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS, CO 80528

EXAMINER
MILLER, BRANDON J

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 03/04/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,067	04/21/2004	Isaac Lagnado	200313247-1	6812

TITLE OF INVENTION: SYSTEM AND METHOD FOR ACCESSING A WIRELESS NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$300	$0	$1810	06/04/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

Complete and send this form, together with applicable fee(s), to: <u>Mail</u> Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____ (Depositor's name)

_____ (Signature)

_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,067	04/21/2004	Isaac Lagnado	200313247-1	6812

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nonprovisional	NO	$1510	$300	$0	$1810	06/04/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
MILLER, BRANDON J	2617	455-422000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE   (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.   ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____   Date _____

Typed or printed name _____   Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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MILLER, BRANDON J

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 171 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 171 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

	Application No.	Applicant(s)
Notice of Allowability	10/829,067	LAGNADO, ISAAC
	Examiner	Art Unit	
	BRANDON J. MILLER	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *11/24/2009*.

2. ☒ The allowed claim(s) is/are *1-3,5-10,12-16,18-21,23-27,29-34,36,37,39,40,42-52,54,55,57,58 and 60*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

/Brandon J Miller/	/George Eng/
Examiner, Art Unit 2617	Supervisory Patent Examiner, Art Unit 2617

DETAILED ACTION

EXAMINER'S AMENDMENT

I.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37

CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than

the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with

Arthur Ortega on 02/26/2010.

The application has been amended as follows:

On page 9 of the specification please replace paragraph [0034] with the following

paragraph.

[0034]   Embodiments of the present invention may be implemented in

software, hardware, application logic or a combination of software, hardware and application

logic. The software, application logic and/or hardware may reside on wireless device 12. The

application logic, software or an instruction set is preferably maintained on any one of various

conventional computer-readable mediums. In the context of this document, a "computer-

readable medium" can be any means that can contain[,] or store[, communicate, propagate or

transport] the program for use by or in connection with an instruction execution system,

apparatus, or device.

Allowable Subject Matter

II.   The following is an examiner's statement of reasons for allowance:

Claim 1 recites a method for accessing a wireless network with steps as defined in the specification (pages 3-9) including detecting at least one wireless network within which a wireless device is located while the wireless device in a transmit off mode; and determining whether the at least one wireless network is on a list of requested wireless networks; in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode; and determining whether the at least one wireless network is a wireless network whose identifier is unknown.

The prior art teaches a method for accessing a wireless network including detecting at least one wireless network within which a wireless device is located while the wireless device in a transmit off mode; and determining whether the at least one wireless network is on a list of requested wireless networks; in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode.

However, applicant's independent claim 1 comprises a method with a particular combination of steps, as recited above, which allows for determining whether the at least one wireless network is a wireless network whose identifier is unknown.

This is neither taught not suggested by the prior art.

Claims 2-3, 5-10 and 12-15 are allowable based on their dependence on independent claim 1.

Claim 16 recites a method for accessing a wireless network with steps as defined in the specification (pages 3-9) including automatically switching a wireless device to a transmit off mode in response to activation of the wireless device; detecting at least one wireless network within which said wireless device is located while the wireless device is in the transmit off mode; determining whether the at least one wireless network is on a list of requested wireless networks; and in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode.

The prior art teaches a method for accessing a wireless network including detecting at least one wireless network within which said wireless device is located while the wireless device is in the transmit off mode; determining whether the at least one wireless network is on a list of requested wireless networks; and in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode.

However, applicant's independent claim 16 comprises a method with a particular combination of steps, as recited above, which allows for automatically switching a wireless device to a transmit off mode in response to activation of the wireless device.

This is neither taught not suggested by the prior art.

Claims 18-21 and 23-25 are allowable based on their dependence on independent claim 16.

Claim 26 recites a system for accessing a wireless network with a structures as defined in the specification (pages 3-9) including a wireless device; and application logic operatively associated with the wireless device and adapted to: switch the wireless device to a transmit off mode; detect at least one wireless network within which the wireless device is located while in the transmit off mode; determine whether the at least one wireless network is on a predetermined list of requested wireless networks; in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode; and switch the wireless device to a transmit on mode and transmit a probe request frame in response to determining that the at least one wireless network is a wireless network whose identifier is unknown.

The prior art teaches a system for accessing a wireless network including a wireless device; and application logic operatively associated with the wireless device and adapted to: switch the wireless device to a transmit off mode; detect at least one wireless network within which the wireless device is located while in the transmit off mode; determine whether the at least one wireless network is on a predetermined list of requested wireless networks; in response to a determination that the at least one wireless network is on the list of requested wireless networks, switch the wireless device from the transmit off mode to a transmit on mode.

However, applicant's independent claim 26 comprises a system with a particular structure, as recited above, including application logic adapted to switch the wireless device to a transmit on mode and transmit a probe request frame in response to determining that the at least one wireless network is a wireless network whose identifier is unknown.

This is neither taught not suggested by the prior art.

Claims 27, 29-34 and 36 are allowable based on their dependence on independent claim

26.

Claim 37 recites a system for accessing a wireless network with a structures as defined in

the specification (pages 3-9) including means for switching a wireless device to a transmit off

mode; means for detecting at least one wireless network within which the wireless device is

located while in the transmit off mode; means for determining whether the at least one wireless

network is on a predetermined list of requested wireless networks; means for, in response to a

determination that the at least one wireless network is on the list of requested wireless networks,

switching the wireless device from the transmit off mode to a transmit on mode; and means for

switching the wireless device to a transmit on mode and transmitting a probe request frame in

response to determining that the at least one wireless network is a wireless network whose

identifier is unknown.

The prior art teaches a system for accessing a wireless network including means for

switching a wireless device to a transmit off mode; means for detecting at least one wireless

network within which the wireless device is located while in the transmit off mode; means for

determining whether the at least one wireless network is on a predetermined list of requested

wireless networks; means for, in response to a determination that the at least one wireless

network is on the list of requested wireless networks, switching the wireless device from the

transmit off mode to a transmit on mode.

However, applicant's independent claim 37 comprises a system with a particular

structure, as recited above, including means for switching the wireless device to a transmit on

mode and transmitting a probe request frame in response to determining that the at least one

wireless network is a wireless network whose identifier is unknown.

This is neither taught not suggested by the prior art.

Claims 39-40 are allowable based on their dependence on independent claim 37.

Claim 42 recites a system for accessing a wireless network with a structure as defined in

the specification (pages 3-10) including a wireless device; and application logic operatively

associated with the wireless device, the application logic adapted to selectively switch the

wireless device between a transmit on mode and a transmit off mode based on an identification

of at least one wireless network, the application further configured to determine whether the at

least one wireless network is on a list of requested wireless networks, the application logic

further configured to, in response to a determination that the at least one wireless network is on

the list of requested wireless networks, switch the wireless device from the transmit off mode to

the transmit on mode.

The prior art teaches a system for accessing a wireless network including a wireless

device; and application logic operatively associated with the wireless device and adapted to:

determine whether the at least one wireless network is on a list of requested wireless networks,

the application logic further configured to, in response to a determination that the at least one

wireless network is on the list of requested wireless networks, switch the wireless device from a

transmit off mode to a transmit on mode.

However, applicant's independent claim 42 comprises a system with a particular

structure, as recited above, including application logic adapted to selectively switch the wireless

device between a transmit on mode and a transmit off mode based on an identification of at least one wireless network.

This is neither taught not suggested by the prior art.

Claims 43-51 are allowable based on their dependence on independent claim 42.

Claim 52 recites a method for accessing a wireless network with a structure as defined in the specification (pages 3-10) including automatically detecting at least one wireless network within which a wireless device is located while the wireless device is on and in a transmit off mode; determining whether the at least one wireless network is on the list of requested wireless networks; in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode; and determining whether the at least one wireless network is a wireless network whose identifier is unknown.

The prior art teaches a method for accessing a wireless network including automatically detecting at least one wireless network within which a wireless device is located while the wireless device is on and in a transmit off mode; determining whether the at least one wireless network is on the list of requested wireless networks; in response to a determination that the at least one wireless network is on the list of requested wireless networks, switching the wireless device from the transmit off mode to a transmit on mode

However, applicant's independent claim 52 comprises a method with a particular combination of steps, as recited above, which allows for determining whether the at least one wireless network is a wireless network whose identifier is unknown.

This is neither taught not suggested by the prior art.

Claims 54-55 are allowable based on their dependence on independent claim 52.

Claim 57 recites a system for accessing a wireless network with a structure as defined in the specification (pages 3-10) including a wireless device; and application logic operatively associated with the wireless device and adapted to automatically detect at least one wireless network within which the wireless device is located while the wireless device is on and in a transmit off mode, the application logic further configured to determine whether the at least one wireless network is on the a list of requested wireless networks, the application logic further configured to, in response to a determination that the at least one wireless network is on the list of requested wireless networks, switch the wireless device from the transmit off mode to a transmit on mode; and automatically switch the wireless device to a transmit on mode in response to identifying the at least one wireless network.

The prior art teaches a system for accessing a wireless network including a wireless device; and application logic operatively associated with the wireless device and adapted to: automatically detect at least one wireless network within which the wireless device is located while the wireless device is on and in a transmit off mode, the application logic further configured to determine whether the at least one wireless network is on the a list of requested wireless networks, the application logic further configured to, in response to a determination that the at least one wireless network is on the list of requested wireless networks, switch the wireless device from the transmit off mode to a transmit on mode..

However, applicant's independent claim 42 comprises a system with a particular structure, as recited above, including application logic further configured to automatically switch the wireless device to a transmit on mode in response to identifying the at least one wireless network.

This is neither taught not suggested by the prior art.

Claims 58 and 60 are allowable based on their dependence on independent claim 57.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

III.   The prior art made of record is considered pertinent to applicant's disclosure.

Calhoun et al. Patent No.: US 7,346,338 B1 discloses a wireless network system including integrated rouge access point detection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON J. MILLER whose telephone number is (571)272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/   /Brandon J Miller/
Supervisory Patent Examiner, Art Unit 2617   Examiner, Art Unit 2617

February 26, 2010